

Improving the Petition Process for New Renewable Fuel Pathways

For the March 2010 Renewable Fuel Standard (RFS) final rule, EPA assessed the lifecycle greenhouse gas (GHG) emissions of multiple renewable fuel pathways. Assessment of lifecycle GHG emissions is necessary to determine which fuel pathways meet the GHG reduction thresholds under RFS for the four required renewable fuel categories. Approved fuel pathways are specified in Table 1 to 40 CFR 80.1426(f) of the RFS regulations or in EPA responses to petitions submitted pursuant to § 80.1416. The regulations and petition responses are summarized on the EPA website.¹

The petition process in § 80.1416 is important because as technology advances, new biofuel pathways are identified that EPA has not evaluated. These changes may include use of new feedstocks in existing production processes, modification of production processes, or use of new feedstocks in new production processes. In all cases, identifying new renewable fuel pathways that comply with the RFS regulatory criteria aligns with the statutory goals of increasing renewable fuel production and use and thereby reducing GHG emissions from the transportation sector and imports of petroleum.

We have determined that improvements should be made to the petition process to enable more timely and efficient decision-making. In order to evaluate and implement these improvements EPA is taking a period of time to update the current system to provide greater efficiency and improved public service. This process will include several elements:

- Undertaking a Lean government exercise to improve the quality, transparency and efficiency of our internal review processes.²
- Developing improved guidance for petitioners, including step-by-step instructions and application templates for different types of petitions. One goal of

¹ www.epa.gov/otaq/fuels/renewablefuels/new-pathways/rfs2-pathways-determinations.htm

² www.epa.gov/lean/government/

the updated guidance and templates will be to help applicants provide all of the data that EPA needs to complete its assessments, while also reducing extraneous information.

- Launching a more automated review process for petitions using previously approved feedstocks and well known production process technologies (e.g., dry mill ethanol plants).

We firmly believe the long-term performance of the petition process will benefit from these efforts. We expect this process to take approximately six months. During this time, we suggest that parties considering new petitions pursuant to § 80.1416 delay their submissions until the new guidance is provided. Those submitting new petitions during the six-month period may be asked to resubmit following the new guidance, once it is released.

During this period EPA intends to continue reviewing pending petitions that are high priority, and pending petitions for which substantial modeling has already been done. Considering resource limitations, the Agency needs to set priorities with respect to petition reviews. Consistent with statutory intent and our experience to date, we believe petitions for new fuel pathways can be prioritized based on the following criteria:

- Ability to contribute to the cellulosic biofuel mandate.
- Potential for reducing greenhouse gas emissions on a per gallon basis, for example by using feedstocks that likely do not have significant indirect land use change emissions (such as non-food feedstocks).³
- Ability to contribute to near-term increases in renewable fuel use. This criterion would include, for example, consideration of the ability of the intended biofuel product to be readily incorporated into the existing fuel distribution network.⁴

Petitions that are similar based on the above criteria will be further prioritized based on closeness to commercialization and date of petition submission. As we take this time to improve the process, we intend to contact parties who have already submitted petitions to discuss their status with respect to the above criteria.

Our objectives are a more efficient and transparent petition process with improved public service. We look forward to receiving input from our stakeholders with ideas about how to improve the petition process as we move forward with this initiative. Stakeholders who wish to provide input can do so by emailing the EPA Fuels Programs Support Line at support@epamts-support.com with “Petition Process Input” as the subject line.

³ Non-food feedstocks are feedstocks that are not primarily used for food or feed purposes.

⁴ In general, drop-in biofuels are the biofuels that are most readily incorporated into the existing network. Drop-in biofuels tend to be substantially similar to the conventional petroleum-based fuels that they replace, and require no significant changes in infrastructure, vehicles or performance. Examples of drop-in biofuels include renewable diesel, renewable gasoline, renewable jet fuel, pipeline quality biogas and renewable electricity.